

UNITED STATES OF AMERICA :
 :
 PLAINTIFF, :
 :
 VS. : CASE NO. 2:11-CR-10 (1)
 :
 SEAN MURPHY : JUDGE SMITH
 :
 DEFENDANT. :

The Defendant, through counsel, moves the Court for a continuance of the jury trial scheduled on April 4, 2011, on the grounds that undersigned counsel needs additional time to investigate and prepare for trial. Counsel requests at least a 60 day continuance. Counsel asserts that failure to grant said motion for continuance will likely result in a miscarriage of justice as counsel will be unable to provide the effective assistance of counsel to the Defendant.

/s/ George C. Luther
GEORGE C. LUTHER 0031940)
536 SOUTH HIGH STREET
COLUMBUS, OHIO 43215
TELEPHONE: 614/224-7210
ATTORNEY FOR DEFENDANT

MEMORANDUM

The events of this indictment over a year ago.

Discovery is extensive and witnesses are difficult to locate.

Counsel needs additional time to investigate, research issues of law and otherwise prepare for trial.

The Defendant waives his right to a trial in the time provided by law to allow for this continuance.

Counsel submits that this Motion is not made for the purpose of needlessly delaying the resolution of this case. Rather, pursuant to 18 U.S.C. 3161(h)(8), "the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial." Failure to grant said motion for continuance will likely result in the miscarriage of justice as counsel for the Defendant will not be able to provide the effective assistance of counsel to the Defendant.

For these reasons, counsel requests the Court for a continuance of the pretrial and jury trial scheduled herein.

Respectfully submitted,

/s/ George C. Luther_____
GEORGE C. LUTHER (0031940)
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion for continuance was served on Sal Dominguez , Assistant United States Attorney, and other counsel of record by electronic filing this 28thth day of March, 2011.

/s/ George C. Luther
GEORGE C. LUTHER 0031940)
ATTORNEY FOR DEFENDANT